(23) final

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION NO. 2220 OF 2003

PETITIONER : Indra Dutt Tiwari, S/o Ram Manohar Tiwari, aged about 52 years, R/o Village – Bichhiya Tola, Tah.- Manendragarh, Distt. – Koriya (C.G.)

VERSUS

RESPONDENTS :

(1) State of Chhattisgarh Through: Secretary Revenue Department, D.K.S. Bhawan Raipur (C.G.)

(2) Devnath, S/o Jhaman Lal Tiwari, R/o Village – Bichhiya Tola, Tah.- Manendragarh, Distt. – Koriya (C.G.)

P. R. No. 20/8/03
Presented by Shri Aman Kr. Dharmani
dated 21.8.03

WRIT PETITION U/A 226/227 OF THE CONSITITUTION OF INDIA

XI-HC-22

(39)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 2220/ सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

25.08.2003

Shri Awadh Tripathi, counsel for the petitioner.

Smt. Chitra Shrivastava, Panel Lawyer for the State/respondent No.1.

By this petition under Article 226/227 of the Constitution of India, the petitioner seeks to challenge the order dated 14.07.2003 passed by the Revenue Board, Bilaspur, in Appeal No.A-6/02/03 by which the learned Member of the Revenue Board while maintaining the appeal filed by the petitioner rejected the interim stay application.

I have heard the learned counsel for the petitioner and the learned Panel Lawyer for the State/respondent No.1.

Learned counsel for the petitioner submits that after going through the record and based on the possession, the Naib Tehsildar recorded the name of the petitioner against which respondent No.2 had filed an appeal before the Sub Divisional Magistrate and the learned S.D.O. contrary to the record allowed the appeal and passed an order adverse to the petitioner. Thereafter, the petitioner moved an application before the Revenue Board and the Revenue Board rejected the interim application. He further submits that interim stay be granted, otherwise it will effect the rights of the petitioner.

Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, I am of the opinion that if a direction is given to the Revenue Board for deciding the appeal at the earliest that will meet the ends of justice. Since the Revenue Board has rejected the stay application in appeal against the order of the S.D.O. by

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(40)

आदेश पत्रक

मामला क्रमांक W.P 2220/ सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

which the learned S.D.O. had set aside the order of the Tehsildar who entered the name of the petitioner and in view of the above circumstances since proprietary rights are involved and if the appeal is not decided promptly that may lead to further complications. It is therefore, directed that the Revenue Board should decide this appeal at the earliest within a period of two months from today.

In view of the above directions, I do not find any further points to be considered. Accordingly, the writ petition stands disposed of.

Consequently, M.(W.)P.No.2004/2003 and I.A.No.6804/2003 also stand disposed of.

Sd/-
L.C.BHADOO
Judge

Soma